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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
August 12, 2008**

Present: Commissioners Lythgoe, Notbohm and Weber; Harold Stepper, County Planner; Tara Mastel, JLDC; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Marga Lincoln, *Helena Independent Record*; Dave Kirsch, Caroleen Vaughan

CALENDAR REVIEW

- 8/13 Meeting with Clerk & Recorder regarding budget – 9:00
Meeting with County and State I.T. staff – 3:00
- 8/14 MACo District Meeting – White Sulphur Springs – 10:00
County Safety Picnic – 6:00
- 8/18 Meeting with Studio 360 – 9:00
Elected Official/Department Head meeting – 1:30
Meeting with Museum Board – 6:30

COMMISSION REPORTS

BUSY WEEK

Commissioner Lythgoe reported that he has been doing a lot of budget work and fielding a lot of calls regarding the chip seal on Saddle Mountain and Big Dipper.

LOCAL RADIO

Commissioner Weber he was out sick the previous week, so he has nothing to report. He will be meeting with Sally Buckles the following morning regarding him giving a Commission report on the local radio.

CORRESPONDENCE

The County Attorney sent over a copy of the Ash Grove settlement agreement. Commissioner Weber explained that this is an agreement regarding the status of a portion of Microwave Hill Road, which the County had inadvertently claimed as a county road.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

AWARD SOUTH END METAL MINE GRANTS

Commissioner Weber stated that the Commission was presented with the grant committee's recommendation at the previous meeting. Their recommendations were that \$1,671 be given to the Tobacco Root Reveilliers Fyfe and Drum Corps and \$15,474 be given to Pool Pals.

Commissioner Lythgoe moved to approve the grants as recommended by the committee.

Commissioner Weber seconded. Commissioner Notbohm stated that he isn't necessarily opposed to it, but asked how many grants have gone to Pool Pals. Commissioner Weber stated that he thinks that this is the second one. They have applied several times and were not awarded any funds. The motion carried.

DISCUSS AND DECIDE ON MUSEUM BOARD REQUEST TO PLACE MILL LEVY ON GENERL ELECTION BALLOT

Commissioner Weber stated that this is being moved forward one week, as is the resolution.

Commissioner Notbohm stated that five or six years ago he started to encourage the museum board to try for a mill levy and on two different occasions explained the process to them. They didn't want to do it at the time, but it certainly would have made sense, as they constantly need operating funds. Commissioner Weber stated that part of their request is also confused, so that is why he will be meeting with them to try to clear some of it up.

STATUS OF WATER STORAGE TANK IN PRONGHORN HILLS SUBDIVISION

Commissioner Lythgoe stated that he was going to look into this, and hasn't gotten a chance to yet. Montana City doesn't want anything to do with them. Harold Stepper, County Planner, stated that this happened about the time he started with the county. The developer was required to install a water supply, and found the tank somewhere. Since then, the frontage road has gone through and they put a cut in there, and now there is no access to the tank. There is also no easement at the back of it. The county received a letter from Rick Abraham of the Montana City Volunteer Fire Department stating that the county owns the tank. He is not sure how this came about; when the County purchased the easement, it didn't include the tank. He went to Matt with the issue, and his opinion was that if anything, it would fall back to the homeowners. They have made an agreement with the City of Helena that if a fire were to break out, they could hook into the Nob Hill hydrant at the County line. Commissioner Lythgoe stated that he knows that the Montana City Volunteer Fire Department isn't interested in developing that site any further. There was a person that was interested in building a house on the lot near the road, but he is not sure if the lot has been sold. There is a concern that if the tanks have water in them, it could cause damage if the tanks were to break.

Commissioner Lythgoe stated that it is his recommendation that we drain the tanks, leave them in the ground and get rid of the spout. The spout is dangerous because children have been walking out on it. Commissioner Weber asked if we know who owns the land. Harold stated that he thinks that it still belongs to the developer, Johnny Johnson. Commissioner Notbohm stated that if we start to take responsibility for it, we will take over the responsibility for it, and he doesn't think that the County should be paying to take care of other people's problems. That includes the Montana City Fire Department. Commissioner Lythgoe stated that as a point of health, safety

and welfare, we need to take that spout off and drain the water. He doesn't feel that we need to do anything further than that. If someone wants the tanks removed, that would be up to them. He can't see that the homeowner's association will do anything.

Commissioner Lythgoe stated that apparently there is an agreement with someone to keep the well filled; those people need to be notified. Everything has to be dismantled, and he doesn't know who is going to do it, if we don't. He agrees with Commissioner Notbohm however, we shouldn't be doing it. Commissioner Lythgoe stated that we will have to make some sort of administrative decision about how to deal with it. Commissioner Weber stated that he would like more information about how the county is even involved in this. Commissioner Lythgoe stated that we aren't involved. Harold asked Commissioner Lythgoe if he recalls during the EIS discussion for the interchange, etc., that when the contractor built the road he would take out the tanks. Commissioner Lythgoe stated that he doesn't remember, but he can follow up on that with Burgess-Carter from Denver. Commissioner Weber stated that he has two reservations; one – the County buying the responsibility, and two – just leaving it in the ground, it'll come back someday and bite someone. He would like to get this taken care of.

JLDC UPDATE

Tara Mastel, JLDC Manager, came to present an update on JLDC activities. At the last CTAC meeting, it was reported that the mine is in full swing, with 161 employees and 53 contractors. They had some new hires for the expansion, and estimate that 60% of the new hires are from Whitehall. The Montana Tunnels Advisory Group is requesting that land for the business park be donated rather than a lease situation. The Elkhorn Mine has received their permit to operate an underground mine, and they are now seeking funding. The JLDC will be pursuing some grant funding for training for new miners.

Regarding the TIF District for Sunlight Business Park, Tara stated that she is on the agenda of both the Whitehall and Cardwell school boards to explain the TIF District and gauge support. Commissioner Weber asked if they have a timeframe. Tara stated that there is nothing definite, but they are trying to move forward as quickly as possible.

Tara stated that they have submitted the EDA grant for phase I of the industrial park. They are out of money for this fiscal year, but they were encouraged to resubmit their application during the next cycle. Regarding the master plan for the business park, they have received a \$25,000 grant from the Big Sky Trust Fund program through the State of Montana. They put out a RFQ and only got one response, which didn't meet their expectation. They resubmitted the project to the state, and are waiting to hear back from them.

Regarding the DEQ approval process for the business park, they are in the final process of obtaining the water discharge permit, which is a long process. It requires drilling monitoring wells above and below where the treated water will be discharged. The monitoring wells are drilled, and they will need three samples, over three quarters. The application will be completed in September, and it takes about four months to get a decision.

They have met with a prospective business who may be interested in locating in the Whitehall area. They were introduced to this business through a representative of the Governor's Office of Economic Opportunity and through a representative of Senator Tester's office. They have met with the business and done some research; they are also being courted by several other communities.

Regarding the south campus, the Montana Preservation Alliance has contacted one of their board members and indicated that they are interested in helping us revamp some of those buildings that the JLDC leases. To that end, they are hosting a tour on August 20th at 1:30, before the JLDC meeting. They will be touring the three vacant buildings that the JLDC manages. Their intent is to have some discussion during the tour, and hopefully there will be a bit of time between the tour and the meeting for more discussion.

A business roundtable was held in the north end where the Commission candidates spoke. She is working on organizing one in Boulder, and is firming up dates with the Boulder Chamber and the bank as a co-sponsor. They are trying to get business networking events going again.

Tara stated that she and Tom Harrington are both serving as ex-officios on the Boulder and Whitehall community development boards. Those organizations are functioning very well and progress is being made.

Tara stated that the Whitehall affordable housing project has already received over 20 applications, and NAHN is very pleased with the quality of the applications.

Tara reported that regarding growth policies – they are trying to get the economic analysis out of Dr. Swanson. Commissioner Weber asked if a personal visit would help. Tara stated that a personal visit would be good.

Looking at JLDC as an organization, they held their annual planning meeting in June. They had a consultant come in and help them with their strategic planning. The board will be working on this over the next year. They are looking for three board members. Next meeting two will be appointed and one will be elected in September.

The board has adopted a new logo and Tara said that she is working on the content for the webpage. She said that the Commission has indicated an interest in looking at the logos that were not chosen, and she presented these to the Commission.

Tara stated that she was invited to speak to a committee of the Manhattan Chamber of Commerce. They are interested in some of the things that the JLDC has done in our unique setup for an economic development organization. They liked some of the things that we have done to combat the bedroom community situation we have in Jefferson County.

Tom Harrington and Tim Dimmick are speaking at the National Summit on Mining Communities in September, and she and Tom are hosting a panel discussion. This is a national conference, and it is an honor to have two spots on the agenda.

Tara said that since she is on tenure track, she has been given a lot of opportunities to beef up her dossier, which is due on Friday. She has been asked to be part of the leadership team to offer professional development opportunities for extension agents. She is part of the founding group for a new association of community development extension professionals.

Regarding the financial sustainability of JLDC, she has been meeting with Bonnie Ramey to discuss getting the line items in the budget that she suggested.

Commissioner Weber stated that she can take back to Tom Harrington that the Commission awarded the metal mines grants as recommended by the committee. Tara asked about the \$25,000 for next year's cycle. Commissioner Weber stated that they weren't sure that this was a recommendation.

Commissioner Weber stated that they would go back to the metal mine grant item and deal with item three.. Commissioner Lythgoe stated that the committee requested that \$25,000 be given for the 2009 grant cycle. Commissioner Lythgoe moved to grant \$25,000 out of the metal mines account for the 2009 grant cycle on the south end. Commissioner Weber seconded.

Commissioner Notbohm stated that he believes that when this was all set up, there was a certain amount granted, and that amount has been expended. Commissioner Weber stated that this is correct; the original amount was for a multi-year allotment, which has been expended.

Commissioner Notbohm stated that it doesn't make a lot of difference to him, but at the time there was quite a bit of discussion regarding how much money to spend on grants. He would be concerned that they might be spending some of the future of other things that could be done; the grants should be cut off at some time. They want to be careful with that. The motion carried, with Commissioner Lythgoe and Commissioner Weber voting aye and Commissioner Notbohm voting nay.

[2:25 PM] Commissioner Weber called for a brief recess.

[2:30 PM] Commissioner Weber called the meeting back to order.

RESOLUTION TO PLACE PUBLIC SAFETY MILL LEVY ON BALLOT

Commissioner Weber stated that in discussion with departments regarding the budgets, it has become very apparent that the public safety services are very underfunded. Two resolutions have been prepared, one specifying 12 mills and one specifying 15 mills, which would generate \$314,677.60 or \$393,497.10 respectively. Commissioner Lythgoe stated that he would add that there is a sunset on this mill levy of four years. Commissioner Notbohm stated that if Craig wants to expand on the number of deputies, it should be included in the resolution.

Commissioner Lythgoe and Commissioner Weber both agreed that it would be very appropriate. Commissioner Lythgoe stated that he would prefer to go with 15 mills rather than 12; he likes that the impact is broken down on a per-day basis.

Commissioner Lythgoe moved to adopt Resolution 31-2008 for a public safety mill levy be placed on the ballot in the amount of 15 mills. Commissioner Notbohm seconded, and noted that

this could be a tough sell to the public. Any ideas to improve this should be added now. Commissioner Weber noted change made with the addition of a new deputy and related equipment. Commissioner Lythgoe stated that in speaking with the Sheriff, he does have a group of citizens who are willing to go out and do some legwork to make this happen. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Commissioner Notbohm noted that there is no longer an agenda item – *Elected Official/Department Head Concerns*. Commissioner Weber stated that he changed that, as it doesn't reflect what will be on the agenda. He wants those things brought forward to be agenda items rather than springing them on the public. "*Opportunity for Public Comment*" allows for anything to come before the Commission, but if a Department Head or Elected Official has something they want to bring forward, they should bring it forward and be on the agenda, rather than having things come out at the time of the meeting. He thinks that it gives a little more openness of the Commission to the public and shows more of what we are actually talking about, rather than just having things come up at the time of the meeting. Commissioner Weber stated that this is something that he changed. Commissioner Notbohm stated that this is something that should be thought about; it takes some time to get something on an agenda. If someone has something to say that might need to be put on an agenda, which would be the time to discuss and decide if a topic needs to go on an agenda. He feels that Commissioner Weber's thinking is wrong, not to have this line item. It would speed things up a bit. Commissioner Weber stated that he didn't think of it that way. Commissioner Lythgoe stated that he would agree with Commissioner Weber's position, as it tends to muddy the pond a bit. If a Department Head or Elected Official wants to discuss something, it should be on an agenda.

Jan said that since she was somewhat involved in how the agenda was laid out, it was meant as a time when a Department Head or Elected Official can come in and say that such and so needs to be discussed, not necessarily to come in and start to discuss and work on the issue. Commissioner Weber stated that this was his concern; at times they would get too far in their discussion and almost start to do business. Commissioner Lythgoe asked how exactly it read. It was noted that it read "*Department Head/Elected Official Concerns*". Commissioner Lythgoe stated that he wouldn't have a problem if it were Department Heads or Elected Officials, other than Commissioners. He doesn't feel that it is appropriate for Commissioners to bring items up during the meeting. The chair is the one that establishes the agenda. If a Department Head or other Elected Official has something that they feel they need to discuss and possibly agendaize at a later time. Commissioner Notbohm stated that you can't exclude the Commissioners; they are the head of the county government. He has to agree with the intent that Jan had. When things have come up, they have probably gone on longer than they should have. However, leaving that off is not a good agenda. He wasn't going to spring anything on them today, even though he was tempted. Commissioner Weber stated that he promises that this was wasn't the case. He will have this put on a future agenda for discussion. Commissioner Notbohm stated that this is good, as he doesn't think that any one Commissioner should make those decisions.

Commissioner Lythgoe moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER